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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRADY L. DAVIS,	:	
Plaintiff	:	No. 1:CV-00-0490
	:	
v.	:	(Judge Rambo)
	:	
FOX, et al.,	:	(Jury Trial Demanded)
Defendants	:	

FILED
HARRISBURG, PA

APR 02 2001

MARY E. D'ANDREA, CLERK
Per 978
Deputy Clerk

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO DISMISS DEFENDANTS' REQUEST FOR INTERROGATORIES**

Officer Fox, Officer Zielinski, Officer Henning, Hearing Examiner Breon, Hearing Examiner Maresca, K. Tripp, Kandis Dascani, Jack Sommers, Michael Corbacio, Unit Manager Grover, Superintendent Gillis, Chief Hearing Examiner Robert S. Bitner (defendants), through their attorneys, respond to Plaintiff's Motion to Dismiss Respondents' Request for Interrogatories. Defendants state the following in support of their response.

1. On March 22, 2001, defendants filed a Motion to Compel plaintiff to respond to interrogatories that had been served upon plaintiff on August 2, 2000 and again on February 14, 2001. The interrogatories were filed in the above captioned case.
2. Plaintiff has not responded to these interrogatories.
3. On March 7, 2001, this Court granted defendants' motion to dismiss in Davis v. Gillis, 00 CV 0543, not in Davis v. Fox, the above captioned case.
4. The Court's order granted defendants' motions to dismiss, directed the Court to close the record and ordered that any appeal from the order would be deemed frivolous, without probable cause and not taken in good faith.

5. Because the action at 00 CV 0490, the above captioned case, is still active, defendants' interrogatories are not moot as suggested by plaintiff.

WHEREFORE, the defendants respectfully request that plaintiff's motion be denied and that he be directed to respond to defendants' interrogatories.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:



LINDA S. LLOYD
Deputy Attorney General
ID No. 66720

SUSAN FORNEY
Chief Deputy Attorney General
Litigation Section

Office of Attorney General
15th Fl., Strawberry Square
Harrisburg, PA 17120
Direct: (717) 705-7327
Date: April 2, 2001


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CERTIFICATE OF SERVICE

AND NOW, this 2nd day of April, 2001, I, LINDA S. LLOYD, Deputy Attorney General, counsel for defendants in the above-captioned action, hereby certify that on this day I served the foregoing **Response to Plaintiff's Motion to Dismiss Request for Interrogatories** by causing a copy of it to be deposited in the United States mail, postage prepaid, at Harrisburg, Pennsylvania, addressed to the following:

Brady L. Davis, BX-3685
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866


LINDA S. LLOYD
Deputy Attorney General

DATE: April 2, 2001